

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	CRIMINAL ACTION NO.
VS.	)	
	)	3:92-CR-319(01)-G
KEVIN L. SAMUELS,	)	
	)	
Defendant.	)	

**JUDGMENT**

The court has entered its order accepting the findings, conclusions, and recommendation of the United States Magistrate Judge in this case.

It is **ORDERED, ADJUDGED** and **DECREED** that the successive habeas petition is **TRANSFERRED** to the **United States Court of Appeals for the Fifth Circuit** pursuant to *In re Epps*, 127 F.3d 364, 365 (5<sup>th</sup> Cir. 1997). *See* 28 U.S.C. § 2244(b)(3); 28 U.S.C. § 1631<sup>1</sup>. All pending motions are **DENIED**.

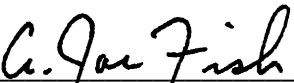
The clerk of the court is directed to open a new civil action, nature of suit 510, with direct assignment to District Judge Fish and Magistrate Judge Rutherford for statistical purposes, and term the motions in the criminal case.

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<sup>1</sup> An order transferring a successive application to the court of appeals is not a final order requiring a certificate of appealability. *See United States v. Fulton*, 780 F.3d 683, 688 (5<sup>th</sup> Cir. 2015).

The clerk shall transmit a true copy of this judgment and the order accepting the findings, conclusions, and recommendation of the United States Magistrate Judge to petitioner.

March 29, 2018.

  
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A. JOE FISH  
Senior United States District Judge